

LIG MEETING - 7 MAY 1974

AGENDA

- A. Foreign Aid
- B. Military Procurement
- C. Freedom of Information Act Amendments
- D. Protection of Sources and Methods

A. FOREIGN AID

S. 3117 - Muskie Amendment to Department of State Authorization

Expands the authority of ambassadors.

Amends State's basic statutory authority to provide that ambassadors shall have full responsibility for the direction, coordination, and supervision of all United States Government officers and employees in that country, excluding military personnel. All departments are to keep the ambassadors fully and currently informed with regard to all activities and operations conducted in that country.

STATUS: Before Senate Foreign Relations Committee.

S. 3394 - Amendments to Foreign Assistance Act of 1961
(Administration Bill)

Authorizes transfer of funding of military assistance to Laos from MASF to MAP for FY 1975.

Sec. 8 authorizes \$985 million for military assistance for FY 1975 which includes transfer of military assistance to Laos from MASF to MAP as required by P. L. 93-189.

STATUS: Before Senate Foreign Relations Committee.

B. MILITARY PROCUREMENT

H. R. 12565 - Defense Supplemental Procurement Authorization -
FY 74

Raises ceiling of MASF funds to Laos and South Vietnam.
Sec. 401 raises the ceiling for Military Assistance Service
Funded Program (MASF) program for Laos and South Vietnam
for FY 1974 from \$1.126 billion to \$1.6 billion, as increase of
\$474 million.

See pp. 20-21 of House report.

STATUS: Passed House 4 April; before Senate
Committee on Armed Services.

S. 2999 - Defense Supplemental Procurement Authorization -
FY 74

Prohibits use of funds, under Defense Supplemental or
by any other law which are unobligated on date of passage of
S. 2999, for or on behalf of any country in S. E. Asia.

STATUS: Passed Senate 6 May.

C. AMENDMENTS TO FREEDOM OF INFORMATION ACT

S. 2543

May possibly come up for Committee vote 8 May. Our efforts have been briefings of staff men of selected members of the Judiciary Committee. These include the following:

Sen. Strom Thurmond (R., S. C.)	Will support position.
Sen. Edward J. Gurney (R., Fla.)	" " "
Sen. James O. Eastland (D., Miss.)	Probably will support.
Sen. John L. McClellan (D., Ark.)	" " "
Sen. Roman L. Hruska (R., Neb.)	" " "
Sen. Robert C. Byrd (D., W. Va.)	Unknown, but may support.
Sen. Hugh Scott (R., Pa.)	" " " "

Paul Summitt, McClellan's staff man on the Judiciary Committee, assures that McClellan will present Agency position before Judiciary Committee; however, it is not clear at this time whether McClellan will strongly support the Agency.

Doug Marvin, Hruska's staff man on Judiciary Committee matters, has compromised most points on bill with Kennedy's staff man, Tom Sussman. Our position for an exemption was rejected. They agreed on a criteria of reasonableness for court review of an agency's action withholding information.

STATUS: Before Senate Judiciary Committee.

D. PROTECTION OF SOURCES AND METHODS

All departments and agencies have submitted their comments to OMB on our legislative proposal. Justice opposes. Indications are State also opposes, but their position is not known at this time. Defense support us with certain technical suggested changes.

ROUTING AND RECORD SLIP

(Optional)

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EXTENSION

NO.

DATE

9 April 1974

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(Officer designation, room number, and building)

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

General Counsel
7D07

I called Dave Bower, congressional liaison for the FBI, on the attached article. According to Bower, the proposal by the FBI for legislation has never been drawn up as a concrete proposal. Presently, the House Judiciary Committee is considering the basic authorities of the Bureau and it is possible that basic legislation defining the Bureau's authorities will come out of this review.

If we wish to discuss the Bureau's position further, he suggested that we check with Frank Schwartz or Bill Cregar.

/s/

Assistant Legislative Counsel

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THE EVENING STAR

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44-1210

Security

Probe Bill

By Orr Kelly

Star-News Staff Writer

The Federal Bureau of Investigation has asked Justice Department officials to propose new legislation spelling out its power to investigate subversive organizations.

The request reportedly reflects a serious concern in the bureau about its authority in that field. The House Internal Security Committee was told last week that the bureau now has 52 such groups under "full-scale investigation."

Department officials are reluctant, however, to ask Congress for new internal security legislation at least partially because of the controversy any such proposal might arouse.

Deputy Asst. Atty. Gen. Kevin Maroney, who is the criminal division's expert on internal security matters, said in an interview that the department's proposal is under consideration but that his personal feeling is that the present laws and executive orders are adequate.

IN SENATE testimony last week, Elliot L. Richardson revealed that, while he was attorney general last September, he had rejected a proposal from FBI Director Clarence M. Kelley that the President be asked to issue a new executive order spelling out the bureau's authority to conduct domestic intelligence operations.

Richardson gave the committee a copy of his response to Kelley — but not Kelley's original memo.

"It is possible that an executive order or directive on the subject may serve a useful purpose," Richardson wrote.

"I believe, however, that it would be preferable to recommend to the President that he issue an executive order or statute and let the courts decide whether such should be and can be accomplished at each level of delegation," Richardson said. "If we are to have the President direct the issuance of guidelines we should first have a clear idea of what sort of guidelines to publish such guidelines and what their content should be."

The bureau has now proposed that the guidelines be set through new legislation rather than a new executive order.

IN A SPEECH at the University of Kansas on March 29, Kelley strongly defended the so-called COINTELPRO operation set up by J. Edgar Hoover to combat the New Left and said it "contributed substantially to neutralizing these extremist elements."

But he indicated his doubt about the bureau's authority to conduct such operations when he added:

"The COINTEL program ... was terminated in 1971. I do not intend to authorize its revival. I will seek instead legislation which may possibly meet such difficulties if they are encountered again. Admittedly, such legislation will be difficult and possibly even too difficult to enact into viable laws."

In the past, the bureau has relied for its authority to investigate possibly subversive organizations — even before they were believed to have violated any laws — primarily on a series of presidential directives.

The bureau's authority under various laws, Maroney said, is "buttressed" by Executive Order 10450, issued by President Eisenhower in April 1953 to authorize security checks on government employees.

AT A HEARING made recently for the House committee by Alfred M. Nitte, its legal counsel, concluded that the power contained in that order was undercut when the President failed to ask for funds to continue the Subversive Activities Control Board.

There is still in existence an attorney general's list of subversive organizations but it was last revised in 1955.

Atty. Gen. William B. Saxbe said last week that he had ordered a study to determine whether the list should be updated, whether a new list should be prepared or whether it should be abolished.

Robert G. Dixon Jr., his assistant in charge of the office of legal counsel, said a recommendation should be ready for Saxbe by mid-week.

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